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Petitioner's Docket No. ARC 2400 N2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Southam, Mary ; Bernstein, Keith; and Noorduyn, Henk

Application No.: 09/781,041

Group No.: 3762

Filed: 02/09/2001

Examiner: Bockleman, M.

For: DEVICE FOR TRANSDERMAL ELECTROTRANSPORT DELIVERY OF FENTANYL AND
SUFENTANIL

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Assistant Commissioner for Patents
Washington D.C. 20231

TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. Section 1.321(c))

Identification of Person(s) Making This Disclaimer

I, Owen J. Bates, represent that I am the attorney of record.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

DISCLAIMER
(Obviousness-Type Double Patenting Rejection Over A Prior Patent)

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on

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Date: 14 Jan 2002

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the instant application, which would extend beyond the expiration date of Patent No. 6,171,294 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No. 6,171,294, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

DISCLAIMER FEE (37 C.F.R. Section 1.20(d))

Other than a small entity--fee \$110.00.

FEE PAYMENT

Charge Deposit Account No. 01-1173 the sum of \$110.00

Charge Account No. 01-1173 for any fee deficiency.

A duplicate of this disclaimer is attached.

Date: 14 Jan 2002

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